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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,529	04/12/2002	David Anthony Jukes	537-1054	9618

7590 07/19/2004

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EXAMINER

COBURN, CORBETT B

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 07/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/937,529

Applicant(s)

JUKES ET AL.

Examiner

Corbett B. Coburn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 1-20 and 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 21-31 in the reply filed on 13 May 2004 is acknowledged.

Information Disclosure Statement

2. Applicant has submitted a number of foreign references and has submitted an international search report. Applicant has not, however, submitted an Information Disclosure Statement. If Applicant wishes these references to be considered, Applicant must submit a proper IDS.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Target Game With Targets And Sensors Moving Relative To Each Other.

4. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 21-25 & 27-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Seidel et al. (US Patent Number 5,460,384).

Claim 21: Seidel teaches an article holding apparatus with a surface (18) defining a target field having an array of target areas (20) at positions on the target field and a position encoder (16) having a number (one) of sensors (48). The target field and the sensor are adapted for relative movement to one another so that articles introduced onto the target field can be detected by a sensor. (Col 2, 25-66) The position encoder (46) maintains a cyclical count and is arranged to determine whether or not an article detected by a sensor is within a target area on the target field with reference to a count value held by a counter (i.e., the number of points awarded depends on which target is hit, which depends on its location).

Claim 22: Seidel teaches that the position encoder includes a processor (44) that maintains the count and inherently has an associated memory. This memory contains the information for mapping count values to target field position for use in determining whether or not an article detected by a sensor falls within one of the target areas on the target field. The program must match the wheel position determined by the wheel position sensor (46) with the slot value. This data must inherently be stored in a look-up table for mapping count values to target field position or an equivalent.

Claim 23: The processor is arranged to apply a correction factor when determining the position of an article on the target field with reference to a look-up table to compensate for any variation in the speed of the relative movement between the target field and the sensor over time. The device reads the position of the wheel (18) each time the position

is determined. This is essentially applying a correction factor to compensate for any variation in the speed of the relative movement between the target field and the sensor over time.

Claim 24: The sensor is associated with at least one dedicated look-up table that defines the circumferential limits of each target area capable of passing within the detection field of the sensor with respect to count value. The size of the target (20) determines the point value awarded for passing through the sensor. These values are stored in a look-up table or equivalent.

Claim 25: The position encoder counter is reset periodically in dependence on the relative positions of the target field the sensor. The wheel position sensor (46) maintains a count based on the position of the wheel (which is detected by reading a code off of the wheel). This number changes when the wheel moves. (Col 4, 38-47)

Claim 27-31: The relative movement between the surface and the sensor is achieved by a combination of a movable playfield with one or more static sensors. Sensor (16) is static & playfield (18) moves. A movable playfield with one or more movable sensors; a combination of a static playfield with one or more movable sensors; and a rotatable playfield with at least two equally spaced radially spaced sensors are disclosed as equivalent embodiments.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seidel as applied to claims 21 in view of Slawinski et al. (US Patent Number 5,083,113).

Claim 26: Seidel teaches the invention substantially as claimed, but does not teach that the sensor is an inductive field-type sensor. Inductive field-type sensors are well known to the art. Slawinski teaches that inductive field-type sensors allow the sensor not only to detect the passage of an object, but also to identify the type of object. (Abstract) This is particularly advantageous in a coin game because it allows the machine to determine if a valid coin has been paid. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Seidel in view of Slawinski to include an inductive field-type sensor in order to not only to detect the passage of an object, but also to identify the type of object, thus allowing the machine to determine if a valid coin has been paid.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jessica Harrison can be reached on (703) 308-2217. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


cbc


JESSICA HARRISON
PRIMARY EXAMINER